July 26, 2005

Honorable Senator John Thune
Chairman of the Senate Environment and Public Works
Subcommittee on Superfund and Waste Management
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Honorable Senator Barbara Boxer
Ranking Member of the Senate Environment and Public Works
Subcommittee on Superfund and Waste Management
456 Dirksen Senate Office Building
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Testimony of Garth T. Hickle, Minnesota Pollution Control Agency
Before the Superfund and Waste Management Subcommittee
U.S. Senate

Mr. Chair and members of the Subcommittee:

My name is Garth Hickle and I am with the Minnesota Pollution Control Agency.

Thank you for the opportunity to provide testimony today and share Minnesota's experience with the management of waste electronics. Given the state legislative and programmatic attention devoted to this issue over the past five years, Congressional attention is an important step toward addressing this complex issue.

The Minnesota Office of Environmental Assistance began to address this issue in 1995 at the request of our state legislature in response to concerns regarding the growing presence of discarded electronic products in the waste stream and the potential environmental impacts of electronics disposal.

While there is debate regarding the actual long-term environmental impacts from disposing of waste electronics in landfills, Minnesota has framed the issue as one of

resource conservation and the promotion of economic development opportunities created by the collection and de-manufacturing of old electronic products. The environmental benefits, energy savings, and job creation from promoting “waste as a resource” have guided our thinking as to the rationale for the collection and recycling of waste electronics. It is Minnesota’s intent to ensure that residents have convenient access to collection opportunities, and that the infrastructure is sufficient to discourage illegal dumping, abandonment of collected products, and the export of waste electronics to nations with less-stringent environmental standards.

Since 1997, the OEA has facilitated a number of demonstration projects for the collection of waste electronics with participation from manufacturers, local government, and recyclers. Partnerships with individual manufacturers and retailers served to model various collection options and assess costs.

The OEA also participated in several efforts to bring parties together to implement comprehensive programs, both at the state level and nationally. The Office convened a multi-stakeholder cathode ray tube (CRT) task force in 1999, and actively participated in the National Electronics Product Stewardship Initiative (NEPSI). While NEPSI did not arrive at a consensus regarding how a national program should be financed, the stakeholders did agree on the need for several important elements of a national program: including a broad scope of products beyond just televisions and monitors; performance goals; funding for local collection activities; environmentally sound management standards; and a third-party organization to implement a program.

The Minnesota Legislature has considered legislation for waste electronics each year since 2002. The proposals have ranged from advance recycling fees similar to the program enacted by SB 20 in California to the shared-responsibility approach implemented in Maine. The differing business models and perspectives within the industry that prevented a national approach from emerging from NEPSI have also stymied passage of a state program in Minnesota.

Following the 2004 Minnesota legislative session, the OEA initiated another consultation process, with significant participation from stakeholders, to identify expectations for a program in Minnesota. As part of that effort, the OEA identified the following elements for an effective state program:

- Offering convenient collection options for residents that address a broad scope of products and track purchasing and disposal habits.
- Utilizing existing infrastructure and providing incentives for collection.
- Ensuring accountability for collection and recycling by identified parties.
- Promoting environmentally sound management.
- Providing incentives for design for the environment.
- Supporting private management, to the extent possible, to reduce government involvement in the program.
- Financing the program without relying on end-of-life fees or local government funding.

While developed for Minnesota, the expectations listed above will also be relevant for a comprehensive national program.

This Subcommittee will certainly hear from manufacturers and retailers on the preference for a national approach for business reasons to avoid a patchwork of state programs. A federal approach will also address some concerns faced by state governments grappling with this issue.

From the perspective of state government and consumers, a federal approach may provide a consistent standard and eliminate regional disparities. For instance, in 2003 Minnesota enacted a disposal ban for cathode-ray-tube-containing products, now slated for implementation in 2006. This ban raised concern among neighboring states—South Dakota, North Dakota, Wisconsin and Iowa—that televisions and monitors from Minnesota would be transported across Minnesota's border for disposal. A federal framework would eliminate the impact upon border sales if, for instance, one state

enacted a consumer-fee-based program while a neighbor state did not. A national program may also greatly simplify administrative responsibilities such as compliance, reporting, and public education.

If comprehensive national legislation is contemplated—a step Minnesota supports—it is important to consider the following:

- Adopting an approach that engages all of the players along the product chain—manufacturers, retailers, and local government, among others—to share responsibility for funding and operating a program. Such an approach will result in a more effective system that provides incentives for more environmentally friendly products in the future, but will not place significant additional burdens on government. Legislation should contain a financing mechanism that recognizes the differing business models within the electronics industry and provides flexibility to implement tailored collection activities.
- Establishing a framework so that products can be added or deleted as the technology and consumer purchasing habits evolve.
- Adopting performance standards and mechanisms for evaluating progress.

However, even if a comprehensive national program is not adopted, there are several steps that the federal government could undertake to support the collection and recycling of discarded electronic products, including:

- Performing data collection and analysis that tracks the sales of new products and recycling and disposal of waste electronics.
- Ensuring a consistent regulatory environment to support the reuse and recycling of discarded products.
- Developing clear standards for environmentally sound management that impose restrictions on the export of waste electronics to countries with less stringent environmental standards.

- Engaging in research and analysis regarding innovative partnerships to manage the program.

It is important to acknowledge that U.S. EPA and others have projects underway to address some of these issues. U.S. EPA deserves significant recognition for the resources and staff that have been devoted to this issue over the past several years including, among others, the support for NEPSI and grants for collection pilots.

Thank you again for the opportunity to be here today. I look forward to addressing any questions you may have.

Garth T. Hickle is the Product Stewardship Team Leader with the Minnesota Pollution Control Agency. He has been with the agency since 1996 working on product stewardship for various products including packaging, electronics and carpet. Prior to his position with the OEA, he worked for the Minnesota Public Interest Research Group (MPIRG) as a legislative liaison. He was named a Bush Foundation Leadership Fellow in 2001. He has published articles in *Waste Management World, Pollution Prevention Review, Environmental Quality Management, Resource Recycling,* and *The*

Environmental Forum. He holds graduate degrees from Vermont Law School and Hamline University.